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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF	)	SURRENDER
DANA WALLACE ROBISON	)	STIPULATION AND ORDER
UTAH LICENSE #10143380-6004	)	
TO PRACTICE AS A CLINICAL MENTAL	)	
HEALTH COUNSELOR	)	
IN THE STATE OF UTAH	)	

CASE NO. DOPL-2017-567

DANA WALLACE ROBISON ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Clinical Mental Health Counselor Licensing Board ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to a hearing, the right to call witnesses on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-4-901 through R151-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation

and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. Respondent admits the following facts are true:

- a. On or about January 18, 2017, Respondent was first licensed as a marriage and family therapist in the State of Utah. On or about October 28, 2016, Respondent was first licensed as a clinical mental health counselor in the State of Utah. Respondent is also licensed in the State of Oklahoma as a marriage and family therapist and as a licensed professional counselor.
- b. On or about February 17, 2017, Respondent voluntarily entered into a Stipulation and Order with the State Board of Behavioral Health Licensure of the State of Oklahoma, regarding Respondent's license to practice as a licensed professional counselor in Oklahoma, a copy of which is incorporated by reference into this Stipulation and Order, and attached as Exhibit A.
- c. On September 1, 2016 Respondent submitted an application for initial licensure as a clinical mental health counselor in Utah. On the application Respondent represented that she was not under investigation in any other state licensing authority. Respondent knew at the time of the Utah application that she was under investigation by Oklahoma licensing authorities.
- d. Respondent worked at a Utah mental health facility between April 2017 and June 2017.
- e. Respondent's misconduct in Oklahoma would constitute misconduct in the State of Utah pursuant to Utah Code Ann. § 58-1-501(2)(b), and Utah Administrative Code R156-60c-502(5) and (6).
- f. Respondent desires to surrender Respondent's license to practice as a clinical mental health counselor in the State of Utah along with all residual rights pertaining to said license.

8. Respondent agrees that the findings of fact described above constitute unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (d), and (h), and unlawful conduct as

defined in Utah Code Ann. § 58-1-501(1)(e); that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b). Respondent hereby surrenders Respondent's license to practice as a clinical mental health counselor in the State of Utah along with all residual rights pertaining to said license. Respondent agrees that the issuance of the Order in this matter constitutes disciplinary action by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2)(a). Respondent agrees not to reapply for licensure as a clinical mental health counselor in the State of Utah until two years from the effective date of this Stipulation and Order. The Division does not guarantee that any future application by Respondent for licensure will be granted. If the Division Director accepts the terms of this Stipulation and Order, Respondent forfeits all rights to practice as a clinical mental health counselor in the State of Utah. Respondent understands that Respondent will not receive any refund of license or renewal fees previously paid to the Division.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or

agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

12. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

13. Respondent understands and agrees that if Respondent has been issued an Order by the Division to pay an administrative penalty or a fine, and Respondent has not paid the administrative penalty or fine in full at the time this Stipulation and Order becomes effective, then Respondent may not reapply for licensure in the State of Utah, in any profession or occupation, until Respondent has paid the administrative penalty or fine in full. Respondent understands and agrees that any application for licensure submitted by Respondent shall be denied for the reason of failure to pay an administrative penalty or fine by the Division until Respondent has paid the administrative penalty or fine in full. The Division may also deny the license for any other lawful reason. Respondent understands and agrees that this surrender of Respondent's license(s) does not extinguish any obligation Respondent has to pay any administrative penalty or fine previously ordered by the Division.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and

Order. Respondent has no questions about any paragraph or provision contained in this
Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: Jennifer Jacht
for LARRY MARK
Bureau Manager

BY: Dana Wallace Robison
DANA WALLACE ROBISON

DATE: 10/2/2017

DATE: 9/21/17

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: L. Mitchell Jones
L. MITCHELL JONES
Counsel for the Division

DATE: 2 Oct 17

ORDER

THE ABOVE STIPULATION, in the matter of **DANA WALLACE ROBISON**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 4 day of October, 2017.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGE
Director

Investigator. James Furner

EXHIBIT A

 COPY

RECEIVED

BEFORE THE STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
STATE OF OKLAHOMA

FEB 27 2017

State Board of
Behavioral Health Licensure

STATE OF OKLAHOMA, ex rel.,
STATE BOARD OF BEHAVIORAL
HEALTH LICENSURE,
Petitioner,

Complaint No. 16-LPC-108

vs.

DANA ROBISON,
LPC, LICENSE NO. 985
LMFT LICENSE NO. 668
Respondent.

CONSENT ORDER

COMES NOW the State of Oklahoma, ex rel, the State Board of Behavioral Health Licensure ("the Board"), by and through its attorney, Marie Schuble, Assistant Attorney General, and Dana Robison ("Respondent"); and hereby enters into this Consent Order, pursuant to 59 O.S. §1912(A) of the Licensed Professional Counselors Act, 86:10-29-3(b)(2)(C) of the Oklahoma Administrative Code, and 75 O.S. §309(E) of the Administrative Procedures Act. For the purposes of this Consent Order, the following facts are hereby stipulated to by the parties and adopted by the Board:

STIPULATION OF FACTS

1. Respondent is a Licensed Professional Counselor ("LPC") in the State of Oklahoma, holding License Number 985, and was licensed as an LPC on or about March 1, 1988.
2. On January 26, 2015, a Request for Inquiry was received by the Board alleging that Respondent had borrowed money from a client.
3. Respondent saw G.H. for therapy sessions starting December 10, 2013 until July 8,

2014. Insurance was billed for all sessions.

4. Respondent told G.H. about her financial concerns, including medical expenses and filing for divorce.

5. On or about August 24, 2014, G.H. loaned \$10,000.00 to Respondent.

6. On or about September 12, 2014, Respondent paid \$5,000.00 back to G.H.

7. On or about September 22, 2014, G.H. loaned \$5,000.00 cash to Respondent.

8. On or about September 25, 2014, G.H. loaned an additional \$5,000.00 to Respondent.

9. On or about October 27, 2014, Respondent gave G.H. a check for \$7,500.00, written from an account belonging to Respondent's mother.

10. A hand-written receipt, signed by G.H., states that as of December 23, 2014, G.H. received \$2,500 and the remaining balance is \$5,000.

11. A type-written receipt, signed by G.H. and a witness on February 2, 2015, states that G.H. had received all payments from Respondent in full, and there was no balance owed at that time.

12. In order to resolve all issues raised in the Request for Inquiries filed in this matter, the parties agree to the above-listed facts and below Agreed Conclusions of Law and Agreed Order.

AGREED CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter and Respondent pursuant to 59 O.S. §1905(B)(4) of the Licensed Professional Counselors Act.

2. According to 59 O.S. § 1912 (A)(5), the State Board of Behavioral Health Licensure may deny, revoke, suspend or place on probation any license or specialty designation issued pursuant to the provisions of the Licensed Professional Counselors Act to a licensed

professional counselor, if the person has: (5) Engaged in unprofessional conduct as defined by the rules established by the Board.

3. According to 59 O.S. § 1913.1(B)(1), any person who is determined by the Board to have violated any provision of the Licensed Professional Counselors Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.
4. According to the OAC 86:10-29-14(a), the Board may assess an administrative penalty against an individual if the order includes a finding that the individual: (1) violated any provision of the Act; or (2) violated any rule within this Chapter.
5. According to OAC 86:10-3-1, "It shall be the responsibility of Licensed Professional Counselors (LPCs), in their commitment to the understanding of human behavior, to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession. LPCs shall accept responsibility for the consequences of their work and make every effort to ensure that their services are used appropriately. LPCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence."
 - a. Respondent violated OAC 86:10-3-1 by misusing her influence to borrow money from G.H.
6. According to the OAC 86:10-3-3(e), "LPCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship."
 - a. Respondent violated OAC 86: 10-3-3(e) by borrowing \$15,000.00 from her former client within two (2) years of the counseling relationship with G.H.

AGREED ORDER

The Board and Respondent agree to the following Order:

1. Respondent's LPC License shall be SUSPENDED for two (2) years following the effective date of this Order. During the period of suspension, the Respondent shall continue to abide by all licensure requirements, including but not limited to, continuing education and renewal requirements.
2. Respondent shall take a 3-hour graduate level course on ethics, as defined by OAC 86:10-9-2(a)(5)¹.
3. Respondent understands and agrees that should any future instances be brought to the attention of the Board in which Respondent has violated the Licensed Professional Counselors Act or the Oklahoma Administrative Code rules for LPCs, the Board reserves the right to prosecute such violations and to consider this Consent Order as a factor in the determination of any sanctions and penalties, if any, should the Board determine that any violation has occurred.
4. Failure to comply with any of the terms of this Order may result in further disciplinary action against Respondent.

PUBLIC RECORD

Respondent acknowledges that once adopted by the Board, this Consent Order becomes a matter of public record, unless otherwise excluded by law.

¹ OAC 86:10-9-2(a)(5): Professional orientation/ethics - at least one (1) course which deals primarily with the objectives of professional counseling organizations, codes of ethics, legal aspects of practice, standards of

ACCEPTANCE BY BOARD

This Consent Order will not be submitted for Board consideration until it has been agreed to and executed by Respondent. The Consent Order shall not become effective until it has been approved by a majority of the Board, endorsed by a representative of the Board and been approved by the Oklahoma Office of the Attorney General pursuant to Antitrust Review. If approved by all parties, the Order shall become effective 30 days from the date of approval by the Office of the Attorney General to allow for clients to be referred to other counselors.

It is hereby agreed between the parties that this Consent Order shall be presented to the Board with a recommendation of approval from the Board at the Board Meeting scheduled for February 24, 2017. Respondent understands that the Board is free to accept or reject this Consent Order and, if rejected by the Board, a formal disciplinary hearing on the Complaint against Respondent may be held.

If the Consent Order is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Consent Order will not be regarded as evidence against her at the subsequent disciplinary hearing. Respondent will be free to defend herself and no inferences will be made from her willingness to have entered into this agreement. It is agreed that neither the presentation of the Consent Order nor the Board's consideration of the Consent Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and therefore will not be grounds for precluding the Board or any individual Board member from further participation in proceedings related to the matters set forth in this Consent Order.

preparation and the role of persons providing direct counseling services.

VOLUNTARY WAIVER OF RIGHTS

Respondent is fully aware of his rights to contest the charges pending against her. Respondent acknowledges these rights include: representation by an attorney at her own expense; the right to a public hearing on any charges or allegations filed; the right to confront and cross-examine witnesses called to testify; the right to present evidence on her own behalf; the right to compulsory process to secure attendance of such witnesses; the right to testify on her own behalf; the right to receive written findings of fact and conclusions of law supporting the decision on the merits of the Complaint; and the right to obtain judicial review of the Board's decision. Respondent, in exchange for the Board's acceptance of this Consent Order, voluntarily waives all of these rights.

COMPLETE AGREEMENT

This Consent Order consists of seven (7) pages and embodies the entire agreement between the Board and Respondent. It may not be altered and modified without the express consent of the parties.

Amy Barnett
AMY BARNETT
LPC Complaint Committee Board Member

Dated this 24th day of February 2017.

IT IS SO ORDERED.

STATE BOARD OF BEHAVIORAL HEALTH LICENSURE

By Dr. Kelly Collins
BOARD MEMBER

Dated this 24 day of February 2017.